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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

In Re:	:	
	:	Case No.: 19-21587 (MBK)
	:	
KURT N. KVIST,	:	Chapter: 13
	:	
Debtor.	:	OBJECTION TO CONFIRMATION
	:	OF PLAN
	:	
	:	

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Creditors Yoerys Fraga and Henry Fraga, by and through counsel, Levitt & Slafkes, P.C., say as follows:

1. Yoerys Fraga and Henry Fraga ("the Fragas") are creditors in the above captioned matter.

2. On October 24, 2018, the Debtor filed a prior Chapter 13 case. Before that case was dismissed on May 9, 2019 the Fragas obtained a judgment declaring their claim in the total amount of \$216,609.00 to be non-dischargeable.

3. Because the Fragas have not yet levied on any of the Debtor's assets they are unsecured creditors in this matter.

4. Another creditor, Janis L. Doran, also obtained a non-dischargeable judgment against the Debtor in the prior case in the amount of \$154,577.25. That claim is also unsecured.

5. The Debtor's schedules also list other unsecured debt in the total amount of \$134,528.00. Including the non-dischargeable unsecured debt, the total amount of unsecured debt in this case is \$505,714.25. Accordingly, the unsecured debts exceed the limits for the Debtor to qualify for Chapter 13.

6. Accordingly, the Fragas object to confirmation of the Plan and request that the case be dismissed.

7. Moreover, the Fragas object to confirmation because treatment of their claim as a non-dischargeable debt is not addressed in the Plan.

8. In addition, Schedule A/B of the Petition lists two real properties: (a) 77 West Street, Colonia, New Jersey 07067 (the "Colonia Property"), with a purported fair market value of \$350,000.00; and (b) 19 Grove Avenue, South Amboy, New Jersey 08879 (the "Amboy Property"), with a purported fair market value of \$200,000.00.

9. However, the Colonia Property has an estimated value of \$487,037.00, see [https://www.zillow.com/homes/for\\_sale/77-west-street-colonia-nj\\_rb/](https://www.zillow.com/homes/for_sale/77-west-street-colonia-nj_rb/) (last accessed on October 15, 2019), while the Amboy Property has an estimated value of \$291,322.00. See [https://www.zillow.com/homes/19-grove-avenue-south-amboy-nj\\_rb/](https://www.zillow.com/homes/19-grove-avenue-south-amboy-nj_rb/) (last accessed on March 18, 2019).

10. The Fragas therefore dispute the Debtor's scheduled valuations as to the Colonia Property and the Amboy Property and object to confirmation on that basis as well.

11. It therefore also appears that there is sufficient equity in either or both of those properties such that the Debtor's Plan provides for payment on unsecured claims of less than that which would be distributed upon liquidated under Chapter 7 of the United States Bankruptcy Code.

12. Finally, the Fragas join in the other objections to confirmation filed in this matter.

WHEREFORE, Yoerys Fraga and Henry Fraga request that confirmation be denied and that the case be dismissed.

LEVITT & SLAFKES, P.C.  
Attorneys for Creditors  
Yoerys Fraga and Henry Fraga

By: /s/Bruce H. Levitt  
Bruce H. Levitt

Dated: October 15, 2019